REMARKS

Claim Status

Claims 1-27 are pending in the present application. No additional claims fee is believed to be due.

Claim 24 is amended by inserting "MD-CD" and deleting the words "X-Y" following the words "orthogonal to said." Support for the amendment can be found on page 3, lines 21-24, page 7, lines 26-27, Figure 1, and Figure 3.

The Applicants believe these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Introductory Remarks

The Applicants thank the Examiner for conducting an interview on October 12, 2006. The Applicants respectfully request a complete response by the Examiner to all of the arguments presented by the Applicants in the response of May 22, 2006, as that will simplify any appeal or further prosecution of the application. The Applicants highlight that there are six independent claims in the present application, each of which are of different scope. Furthermore, claims in the present application differ from claims in other applications by the Applicants before the Examiner. The Applicants would further like to highlight that the references cited by the Examiner differ from one another. The Applicants submit that the intermixing of claim language from different cases pending before the Examiner, intermixing discussions of different claims within a single application, intermixing discussions of the prior art, and intermixing of discussion of the Applicants arguments have complicated the Applicants' response in the present case.

In the interview summary, the Examiner states that if the claims are limited to embodiments in which "the shape has to have a direction which is longer than the perpendicular direction, which thus creates the claimed longitudinal axis," this "would be sufficient to overcome the art of record." The Applicants respectfully assert that the claims as amended in the response of May 22, 2006, already overcome the art of record. In addition to the new arguments presented herein, the Applicants respectfully reassert the

arguments presented in the response filed May 22, 2006. The arguments presented in the Applicants' response filed May 22, 2006, are reproduced beginning on page 11.

The Applicants respectfully request that the Examiner completely respond to the Applicants' response of May 22, 2006, in regard to the rejections of Claims 1, 11, 17, and 21 over Tranfield. The Applicants argued that Tranfield, Column 3, Lines 51-60, states that "the undersurface of the finished fabric . . . presents a substantially smooth surface." The undersurface of Tranfield is on the opposite side of the base structure as the fiber segments which penetrate through the base structure. Tranfield, Column 3, Lines 51-60. Therefore, Tranfield does not teach a "discontinuity exhibiting a linear orientation and defining a longitudinal axis in the MD-CD plane" as claimed in Claims 1, 11, 17, and 21 of the present application.

The Applicants respectfully request that the Examiner completely respond to the response filed by the Applicants on May 22, 2006, in regard to the rejection of Claims 24 and 27 over Tranfield. The Applicants argued that the discrete regions (or loops) in Tranfield do not have a linear orientation defining a longitudinal axis in the MD-CD plane. Tranfield, Column 3, Lines 46-51, describes the finished fabric as having a "random orientation of the fibers in the pile surface coupled with a high portion of fibers disposed substantially perpendicular to the pile surface penetrating through the layers composing the pile surface and the base structure." Thus, Tranfield does not teach discrete regions have a linear orientation defining a longitudinal axis in the MD-CD plane as in Claims 24 and 27 of the present application. Therefore, there is no arguable basis for maintaining the rejections of Claims 24 and 27, under 35 U.S.C. § 102(e), over Tranfield.

The Applicants respectfully request that the Examiner completely respond to the response filed by the Applicants on May 22, 2006, in regard to the rejection of Claims 1, 11, 17, and 21 over Sorimachi et al. The Applicants argued that none of the Figures, nor the portions of Sorimachi et al. cited in the Office Action, disclose that the fibrous web 22 has a discontinuity exhibiting a linear orientation and defining a longitudinal axis in the MD-CD plane. The fibrous web 22 of Sorimachi et al. is illustrated as being a thick batt of fibers without any discontinuities. Claims 1, 11, 17, and 21 all require discontinuities. Thus, there is no arguable basis for maintaining the rejections of Claims 1, 11, 17, and 21, under 35 U.S.C. § 102(e), over Sorimachi et al.

The Applicants respectfully request that the Examiner completely respond to the response filed by the Applicants on May 22, 2006, in regard to the rejections of Claims 11, 14, 24, and 27. In the previous response, in regard to Claim 11, the Applicants argued that the references, as cited in the Office Action, do not disclose that the deformation comprises fibers neither integral with nor extending from the first region. The Examiner did not address this argument in the Response to Arguments section of the most recent Office Action. The Examiner did address the element of the claim requiring fibers that are integral with and extend from the first region but did not identify in the references cited fibers neither integral with nor extending from the first region.

In the previous response, in regard to Claim 14, the Applicants argued that the references, as cited in the Office Action, do not disclose the particular fibers claimed in Claim 12, upon which Claim 14 depends. The Examiner did not address this argument in the Response to Arguments section of the most recent Office Action.

In the previous response, with respect to Claims 24 and 27, the Applicants argued that the references, as cited in the Office Action, do not disclose a plurality of discrete regions of fiber reorientation, each discrete region having a linear orientation defining a longitudinal axis in the MD-CD plane. The Examiner did not address this argument in the Response to Arguments section of the most recent Office Action. The Examiner, in the most recent Office Action, only addressed discontinuities and did not address discrete regions of fiber reorientation.

In the previous response, with respect to Claim 27, the Applicants argued that the references, as cited in the Office Action, do not disclose an absorbent article comprising a topsheet, a backsheet, and an absorbent core. The Examiner did not address this argument in the Response to Arguments section of the most recent Office Action.

The Manual of Patent Examining Procedure, § 707.07(f) (8th Ed. Including August 2006 Revisions), states "[w]here the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it." The Applicants presume that Claims 11, 14, 17, 24, and 27 are allowable over the references cited because the Examiner has not addressed the Applicants' arguments. The Applicants respectfully request notice that Claims 11, 14, 17, 24, and 27 are allowable.

Applicants' Response to Office Action's Response to Arguments

35 U.S.C. § 102(e) Rejections

Claims 1, 11, 17, and 21 are limited to a discontinuity exhibiting a linear orientation and defining a longitudinal axis in the MD-CD plane. The Office Action states on page 5, lines 1-2 that that "the tufts taught by Provost et al. have fibers aligned in the vertical direction, producing the required linear orientation." The statement in the Office Action does not establish anticipation of Claims 1, 11, 17, and 21 of the present application because the claimed "linear orientation" is related to a discontinuity exhibiting a linear orientation and defining a longitudinal axis in the MD-CD plane, not tufts having a linear orientation. Furthermore, the limitations in Claims 1, 11, 17, and 21 related to the tufts do not have any language related to the fiber alignment in the vertical direction. The exact same arguments are made in the Office Action with respect to the rejections over Tranfield and Sorimachi et al.

Furthermore, fibers aligned in the vertical direction, as in Provost et al., Tranfield, and Sorimachi et al., do not have a linear orientation defining a longitudinal axis in the MD-CD plane, as claimed in Claims 1, 11, 17, 21, 24, and 27 of the present application. Fibers oriented in the vertical direction are out of plane with the MD-CD plane and cannot be considered to have a linear orientation defining a longitudinal axis in the MD-CD plane, as in Claims 1, 11, 17, 21, 24, and 27.

The Office Action further states, in regard to Provost et al., that "the circular opening . . . produces an opening having a definite length in the longitudinal axis of the fabric." The exact same argument is made in the Office Action with respect to the rejections over Tranfield and Sorimachi et al. However, the discontinuities in Provost et al., when viewed from above, would be circular discontinuities (see Applicants' response filed May 22, 2006, reproduced below). Circular discontinuities do not have a linear orientation defining a longitudinal axis in the MD-CD plane, as in Claims 1, 11, 17, and 21 of the present application. A circle does not have a linear orientation because all points about the circumference of a circle are equidistant from the center of the circle. A circle, when viewed from above, has no orientation in any in-plane direction because a circle is symmetric. It is impossible to properly describe a circle as having a linear orientation in the plane of the circle. A circle cannot define a longitudinal axis in the MD-CD plane because a circle is symmetric. It is impossible to look at a circle and properly state that the circle defines a longitudinal axis in the plane of the circle. A circle

cannot define a longitudinal axis in the plane of the circle because there is nothing particularly defining about the in-plane geometry of a circle. A circular discontinuity, as shown in Provost, does not anticipate Claims 1, 11, 17, and 21.

Similarly, the discrete regions (tufts) in Provost are circular regions. For the same reasons that the discontinuities in Provost cannot be properly said to define a longitudinal axis in the MD-CD plane, the discrete regions (tufts) in Provost cannot be said to define a longitudinal axis in the MD-CD plane. Thus, the circular tuft, as shown in Provost, does not anticipate Claims 24 and 27 of the present application.

Tranfield describes the undersurface of the base structure as "substantially smooth." Tranfield, Column 3, Lines 51-60. Thus, the base structure of Tranfield cannot be properly construed to disclose the discontinuities, as claimed in the present application.

The fibrous web of Sorimachi et al., as cited in the Office Action, is a thick batt of fibers without any discontinuities. Thus, the fibrous web of Sorimachi et al. cannot be properly construed to disclose the discontinuities, as claimed in the present application.

The Applicants maintain the arguments presented in the response filed May 22, 2006, which are reproduced below.

In light of these arguments, the Applicants submit that Claims 1, 11, 17, 21, 24, and 27 are allowable over Provost, Tranfield, and Sorimachi et al., each individually, under 35 U.S.C. § 102(e) and respectfully request allowance of the claims.

35 U.S.C. § 103(a) Rejections

Claim 7 depends upon Claim 1. As discussed above, the Applicants submit that Claim 1 is allowable. Therefore, the Applicants submit that Claim 7 is also allowable.

Claim 14 depends upon Claim 12, which depends upon Claim 11. As discussed above, the Applicants submit that Claim 11 is allowable. Therefore, Claim 14 is also allowable. Furthermore, the references as cited do not teach or suggest all elements of Claim 12. Claim 12, upon which Claim 14 depends, is limited to particular fibers. The references, as cited, fail to teach or suggest the particular fibers claimed in Claim 12. Therefore, Claim 14 is believed to be allowable.

Applicants Arguments Presented in the Response filed May 22, 2006

Rejection Under 35 U.S.C. § 102(e) Over Provost

Claims 1-5, 8-12, 15-21, and 23-27 were rejected under 35 U.S.C. § 102(e) over Provost and Shepard (US 2004/0157036), hereinafter referred to as Provost. Independent Claims 1, 11, 17, and 21 claim the fibrous web as having a machine direction and a cross machine direction defining an MD-CD plane and that the discontinuity (16) exhibits a linear orientation and defines a longitudinal axis (L) in the MD-CD plane. Claims 24 and 27 claim the fibrous web as having a machine direction and a cross machine direction defining an MD-CD plane and that the discrete region has a linear orientation defining a longitudinal axis in the MD-CD plane.

Claims 1 and 17 and Claims Dependent Thereon

The Applicants submit that Claims 1 and 17 are patentable over Provost under 35 U.S.C. §102(e) for two reasons: (1) Provost is not an enabling disclosure of Claims 1 and 17 of the present application and (2) Provost does not disclose every element of Claims 1 and 17 of the present application.

The portions of Provost cited in the Final Office Action dated February 3, 2006, do not appear to enable Claims 1 and 17 of the present application. In Provost, a batt 10 of fibers 12 is needle punched through a carrier film 14. The portions of Provost cited in the Final Office Action do not appear to disclose that the structure of the batt 10 of fibers 12 illustrated in Figs. 2D, 3D, 4, 7, 8, and 11 can be achieved without the carrier film 14. The carrier film 14 appears to provide constriction of the fibers 12 needle punched through the film hole 38 to form the trunk 42 of the loops 40. Figs. 2D, 3D, 4, 7, 8, and 11 all illustrate the looped fiber structure in conjunction with the carrier film 14. In the present application, Claims 1 and 17 are for a structure that can be achieved on a fibrous web alone which does not require a film carrier to form, maintain, or be a part of the claimed structure. Therefore, Provost does not appear to enable Claims 1 and 17 of the present application.

The portions of Provost cited in the Final Office Action of February 3, 2006, also do not disclose each and every element of Claims 1 and 17 of the present application. The portions of Provost cited in the Final Office Action do not appear to disclose a fibrous web having a discontinuity exhibiting a linear orientation and defining a

longitudinal axis in the MD-CD plane. The needle punched web of Provost is comprised of a carrier film 14 and batt 10 of fibers 12. Provost, Paragraph [0093] and Figure 1. In Provost, the batt 10 of fibers 12 is needle punched through the carrier film 14. Figure 2D of Provost shows a final structure of the batt 10 of fibers 12 and their relationship to the carrier film 14. As shown in Fig. 2D of Provost, the fibers 12 form loops protruding through the carrier film 14. Paragraph [0099] of Provost describes the loops as being "a plurality of individual loops 40 extending from a common trunk 42 trapped in film hole 38." Paragraph [0007] of Provost describes the forked needle 34 that creates the hole as having a diameter of 35 gauge or smaller. Thus, the needle 34 has a circular cross section orthogonal to the length of the needle above the forked portion of the needle. Other needle diameters are disclosed in Paragraphs [0038] and [0039] of Provost.

As shown in Fig. 2C of Provost, at one stage in formation of the looped web, the needle penetrates the carrier film 14 such that the entire forked portion of the needle is driven through the carrier film 14. Provost, Paragraph [0097], describes the carrier film 14 as having a thickness of about 0.05 mm. Provost, Paragraph [0099] describes the needle as having a total penetration depth "DP" between 2 and 5 mm. Cross sections shown in Figs. 2C and 2D of Provost show that the hole in the carrier film 14 bounds the entire circumference of the needle 34 as the needle is punched through the film carrier. Since the needle 34 has a circular cross section, the hole 38 in the film carrier should also be circular. Thus, each trunk 42 should have a circular cross section as the web material comprising the trunk 42 protrudes through a circular hole 38 (as measured in a plane parallel to the plane of the unaltered web). Referring to Fig. 2D of Provost, in which the batt 10 of fibers 12 and the carrier film 14 are illustrated in cross section, the batt 10 of fibers 12 when viewed from the side of the structure presenting batt 10 of fibers 12 to the observer, the batt 10 of fibers 12 would appear to be essentially flat with discrete approximately conical or curved conical depressions (i.e. the periphery of the depression taken at any section parallel to the batt 10 of fibers 12 would be circular) where the fibers 12 are thrust through the circular hole 38 in the carrier film 14.

The conical or curved conical depressions of Provost do not exhibit a linear orientation defining a longitudinal axis (L) in the MD-CD plane, as claimed in Claims 1 and 17 of the present application. If the conical or curved conical depressions of Provost are considered to be the discontinuities claimed in the present application (a single "discontinuity" is claimed in Claims 1 and 17 of the present application), the conical or

curved conical depressions do not exhibit linear orientation in the MD-CD plane. Rather, each conical or curved conical depressions is essentially symmetric in the MD-CD plane.

Paragraph [0105] of Provost states that "[p]referably there is sufficient distance between adjacent structures so as to enable good penetration of the field of formations by a field of mating male fastener elements." As shown in Figs. 7 and 11 of Provost, each trunk 42 and corresponding loops 40 are spaced apart from other trunks 42 and loops 40. Thus, each conical or curved conical depression is spaced apart from the others. Therefore, adjacent conical or curved conical depressions also do not exhibit a linear orientation defining a longitudinal axis (L) in the MD-CD plane, as claimed in the present application.

Based on the above arguments, the Applicants submit that Claims 1 and 17 are allowable over Provost. The Applicants respectfully request that the rejections of Claims 1 and 17 under 35 U.S.C. § 102(e) over Provost be withdrawn.

Because Claims 2-5 depend upon Claim 1 and Claims 18-20 depend upon Claim 17, the Applicants submit that Claims 2-5 and 18-20 are also allowable over Provost. The Applicants respectfully request that the rejections of Claims 2-5 and 18-20 under 35 U.S.C. § 102(e) over Provost be withdrawn.

Claim 11 and Claims Dependent Thereon

The Applicants submit that Claim 11 is patentable over Provost under 35 U.S.C. §102(e) for two reasons: (1) Provost is not an enabling disclosure of Claim 11 of the present application and (2) Provost does not disclose every element of Claim 11 of the present application.

As discussed above, with respect to Claims 1 and 17, the portions of Provost cited in the Final Office do not appear to enable Claim 11 of the present application. In the present application, Claim 11 is for a structure that does not require a film carrier to form, maintain, or be a part of the claimed structure. As discussed above, the carrier film 14 of Provost is part of the structure that appears to enable the loops 40 to be formed as illustrated therein. Therefore, Provost does not enable Claim 11 of the present application.

Provost also does not disclose at least two elements of Claim 11 of the present application. First, as discussed above with respect to Claims 1 and 17, the portions of Provost cited in the Final Office Action do not appear to disclose a fibrous web having a discontinuity exhibiting a linear orientation and defining a longitudinal axis in the MD-CD plane.

Second, the portions of Provost cited in the Office Action do not disclose a "deformation (6) compris[ing] fibers (8, 18) integral with but extending from first region (2) and fibers (11) neither integral with nor extending from the first region." Figures 2D, 3D, 4, 7, 8, and 11 of Provost illustrate the fibers 12 forming loops 40 as integral with, i.e. connected, with the fibers 12 of the undeformed fiber bat 10. The portions of Provost cited in the office action do not disclose that any of the loops 40 or parts of loops 40 are comprised of fibers 12 that are neither integral with nor extend from the first region.

For the reasons set forth above, the Applicants submit that Claim 11 is allowable over Provost. The Applicants respectfully request that the rejection of Claim 11 be withdrawn. Because Claims 12, 15, and 16 depend upon Claim 11, the Applicants submit that Claims 12, 15, and 16 are also allowable over Provost. The Applicants respectfully request that the rejections of Claims 12, 15, and 16 be withdrawn.

Claim 21 and Dependent Claim 23

The Applicants submit that Claim 21 is patentable over Provost under 35 U.S.C. §102(e) because Provost, as cited in the Final Office Action, does not disclose every element of Claim 21. As discussed above with respect to Claims 1 and 17, the portions of Provost cited in the Final Office Action do not appear to disclose a fibrous web having a discontinuity exhibiting a linear orientation and defining a longitudinal axis in the MD-CD plane, as claimed in Claim 21 of the present application.

The Applicants respectfully request that the rejection of Claim 21 under 35 U.S.C. § 102(e) be withdrawn. Because Claim 23 depends upon Claim 21, the Applicants submit that Claim 23 is also allowable over Provost. The Applicants respectfully request that the rejection of Claim 23 under 35 U.S.C. § 102(e) be withdrawn

Claim 24 and Claims Dependent Thereon

The Applicants submit that Claim 24 is patentable over Provost under 35 U.S.C. §102(e) because Provost, as cited in the Final Office Action, does not disclose every element of Claim 24. Claim 24 of the present application claims "a plurality of discrete regions of fiber reorientation at least on said first surface, each said discrete region having a linear orientation defining a longitudinal axis in said MD-CD plane." The discrete regions (or loops 40) in Provost do not have a linear orientation defining a longitudinal axis in the MD-CD plane. As discussed above, with respect to Claims 1 and 11, each trunk 42 has a circular cross section because the web material comprising the trunk protrudes through a circular hole 38. Figures 2D, 3D, 4, 7, 8, and 11 of Provost illustrate the structure of the web in profile. The loops 40 of Provost do not have a linear orientation defining a longitudinal axis in the MD-CD plane. Rather, the loops 40 appear to look like trees or bushes extending from the trunk 42 and are symmetric in the MD-CD plane of the structure in Provost. As discussed above with respect to Claims 1 and 11 and illustrated in Figure 11 of Provost, each set of loops 40 extending from each trunk 42 is spaced apart from the other. Therefore, loops 40 do not exhibit a linear orientation defining a longitudinal axis (L) in the MD-CD plane, as claimed in the present application.

For the reasons set forth above, the Applicants submit that Claim 24 is allowable over Provost. The Applicants respectfully request that the rejection of Claim 24 under 35 U.S.C. § 102(e) be withdrawn. Because Claims 25 and 26 depend upon Claim 24, the Applicants submit that Claims 25 and 26 are also allowable over Provost. The Applicants respectfully request that the rejections of Claims 25 and 26 under 35 U.S.C. § 102(e) be withdrawn.

Claim 27

The Applicants submit that Claim 27 is patentable over Provost under 35 U.S.C. § 102(e) because the portions of Provost cited in the Office Action do not disclose every element of Claim 27. Claim 27 claims an absorbent article comprising a topsheet, a backsheet, and an absorbent core disposed between the topsheet and the backsheet. The absorbent core has a particular structure as described in Claim 27. Provost discloses a looped fastener product. The looped fastener product of Provost is not part of the absorbent core structure of the diaper disclosed therein.

Furthermore, as discussed with respect to Claim 24, the portions of Provost cited in the Office Action do not disclose "a plurality of discrete regions of fiber reorientation at least on said first surface, each said discrete region having a linear orientation defining a longitudinal axis in said MD-CD plane."

For the reasons set forth above, the Applicants submit that Claim 27 is allowable over Provost. The Applicants respectfully request that the rejection of Claim 27 under 35 U.S.C. § 102(e) be withdrawn.

Rejection Under 35 U.S.C. § 102(b) Over Tranfield

Claims 1-5, 10-12, 16-21, and 23-27 were rejected under 35 U.S.C. § 102(b) over Tranfield (US 3,684,284). Independent Claims 1, 11, 17, 21 are amended to claim the fibrous web as having a machine direction and a cross machine direction defining an MD-CD plane and that the discontinuity (16) exhibits a linear orientation and defines a longitudinal axis (L) in the MD-CD plane. Claims 24 and 27 are amended to claim the fibrous web as having a machine direction and a cross machine direction defining an MD-CD plane and that the discrete region has a linear orientation defining a longitudinal axis in the MD-CD plane.

Claims 1, 17, and Claims Dependent Thereon

Claims 1 and 17 were rejected under 35 U.S.C. § 102(b) over Tranfield (US 3, 684,284). The Applicants submit that Claims 1 and 17 are patentable over Tranfield, as cited in the Final Office Action, under 35 U.S.C. §102(b) for two reasons: (1) Tranfield is not an enabling disclosure of Claims 1 and 17 of the present application and (2) Tranfield does not disclose every element of Claims 1 and 17 of the present application.

The portions of Tranfield cited in the Final Office Action dated February 3, 2006, do not appear to enable Claims 1 and 17 of the present application. In Tranfield , a fibrous layer 21 is needle punched through a base structure 22 comprising a double layer of knitted fabric. Tranfield, Column 2, Lines 55-57. The portions of Tranfield cited in the Final Office Action do not appear to disclose that the structure of fibrous layer 21 can be achieved without the base structure 22. The base structure 22 provides support of the fibers needle punched through the base structure 22. In the present application, Claims 1 and 17 are for a structure that can be achieved on a fibrous web alone which does not require a film carrier to form, maintain, or be a part of the claimed structure. Therefore,

the Applicants submit that Tranfield does not enable Claims 1 and 17 of the present application.

The portions of Tranfield cited in the Final Office Action dated February 3, 2006, also do not appear to disclose every element of Claims 1 and 17 of the present application. The portions of Tranfield cited in the Final Office Action do not appear to disclose a fibrous web having a discontinuity exhibiting a linear orientation and defining a longitudinal axis in the MD-CD plane. Tranfield, Column 3, Lines 51-60, states that "the undersurface of the finished fabric . . . presents a substantially smooth surface." The undersurface of Tranfield is on the opposite side of the base structure as the fiber segments which penetrate through the base structure. Tranfield, Column 3, Lines 51-60. The "substantially smooth" undersurface of Tranfield is inconsistent with the "discontinuity exhibiting a linear orientation and defining a longitudinal axis in the MD-CD plane" of Claims 1 and 17 of the present application.

Based on the above reasons, the Applicants submit that Claims 1 and 17 are allowable over Tranfield. The Applicants respectfully request that the rejection of Claims 1 and 17 under 35 U.S.C. § 102(b) over Tranfield be withdrawn.

Because Claims 2-5 and 10 depend upon Claim 1 and Claims 18-20 depend upon Claim 17, the Applicants submit that Claims 2-5, 10, and 18-20 are also allowable over Tranfield. The Applicants respectfully request that the rejections of Claims 2-5, 10, and 18-20 under 35 U.S.C. § 102(b) over Tranfield be withdrawn.

Claim 11 and Claims Dependent Thereon

The Applicants submit that Claim 11 is patentable over Tranfield, as cited in the Final Office Action, under 35 U.S.C. § 102(b) for two reasons: (1) Tranfield is not an enabling disclosure of Claim 11 of the present application and (2) Tranfield does not disclose every element of Claim 11 of the present application.

As discussed above with respect to Claim 1 and Tranfield, the portions of Tranfield cited in the Final Office do not appear to enable Claim 11 of the present application. In the present application, Claim 11 is for a structure that does not require a film carrier to form, maintain, or be a part of the claimed structure. As discussed above, the base structure of Tranfield is part of the structure that enables the web to be formed as

disclosed therein. Therefore, Tranfield does not enable Claim 11 of the present application.

Tranfield also does not disclose at least two elements of Claim 11 of the present application. First, as discussed above with respect to Claim 1 and Tranfield, Tranfield, as cited in the Final Office Action, does not appear to disclose a fibrous web having a discontinuity exhibiting a linear orientation and defining a longitudinal axis in the MD-CD plane.

Second, Tranfield, as cited in the Final Office Action does not disclose a "deformation (6) compris[ing] fibers (8, 18) integral with but extending from first region (2) and fibers (11) neither integral with nor extending from the first region." Tranfield, Column 3, Lines 51-60, describes the fibers as penetrating through the base structure and looped around the yarn components of the base structure. Tranfield, as cited in the Final Office action, does not disclose fibers that are neither integral with nor extend from the first region, as claimed in Claim 11 of the present application.

For the reasons set forth above, the Applicants submit that Claim 11 is allowable over Tranfield. The Applicants respectfully request that the rejection of Claim 11 be withdrawn. Because Claims 12 and 16 depend upon Claim 11, the Applicants submit that Claims 12 and 16 are also allowable over Tranfield. The Applicants respectfully request that the rejections of Claims 12 and 16 be withdrawn.

Claim 21 and Claims Dependent Thereon

The Applicants submit that Claim 21 is patentable over Tranfield, as cited in the Final Office Action, under 35 U.S.C. §102(b), because Tranfield does not disclose every element of Claim 21. As discussed above with respect to Claims 1 and 17, the portions of Tranfield cited in the Final Office Action do not appear to disclose a fibrous web having a discontinuity exhibiting a linear orientation and defining a longitudinal axis in the MD-CD plane, as claimed in Claim 21 of the present application.

The Applicants respectfully request that the rejection of Claim 21 under 35 U.S.C. § 102(b) be withdrawn. Because Claim 23 depends upon Claim 21, the Applicants submit that Claim 23 is also allowable over Tranfield. The Applicants respectfully request that the rejection of Claim 23 under 35 U.S.C. § 102(b) be withdrawn.

Claim 24 and Claims Dependent Thereon

The Applicants submit that Claim 24 is patentable over Tranfield, as cited in the Final Office Action, under 35 U.S.C. §102(b), because Tranfield does not disclose every element of Claim 24. Claim 24 of the present application claims "a plurality of discrete regions of fiber reorientation at least on said first surface, each said discrete region having a linear orientation defining a longitudinal axis in said MD-CD plane." The discrete regions (or loops) in Tranfield do not have a linear orientation defining a longitudinal axis in the MD-CD plane. Tranfield, Column 3, Lines 46-51, describes the finished fabric as having a "random orientation of the fibers in the pile surface coupled with a high portion of fibers disposed substantially perpendicular to the pile surface penetrating through the layers composing the pile surface and the base structure." Randomly oriented fibers in the pile surface is inconsistent with the language of Claim 24 of the present application, in which the discrete regions have a linear orientation defining a longitudinal axis in the MD-CD plane.

For the reasons set forth above, the Applicants submit that Claim 24 is allowable over Tranfield. The Applicants respectfully request that the rejection of Claim 24 under 35 U.S.C. § 102(b) be withdrawn. Because Claims 25 and 26 depend upon Claim 24, the Applicants submit that Claims 25 and 26 are also allowable over Tranfield. The Applicants respectfully request that the rejection of Claims 25 and 26 under 35 U.S.C. § 102(b) be withdrawn.

Claim 27

The Applicants submit that Claim 27 is patentable over Tranfield, as cited in the Final Office Action, under 35 U.S.C. § 102(b), because the portions of Tranfield cited in the Office Action do not disclose every element of Claim 27. Claim 27 claims an absorbent article comprising a topsheet, a backsheet, and an absorbent core disposed between the topsheet and the backsheet. Tranfield discloses a cover for a tennis ball and does not disclose a topsheet, a backsheet, and an absorbent core.

Furthermore, as discussed with respect to Claim 24, the portions of Tranfield cited in the Office Action do not disclose "a plurality of discrete regions of fiber reorientation at least on said first surface, each said discrete region having a linear orientation defining a longitudinal axis in said MD-CD plane."

For the reasons set forth above, the Applicants submit that Claim 27 is allowable over Tranfield. The Applicants respectfully request that the rejection of Claim 27 under 35 U.S.C. § 102(b) be withdrawn.

Rejection Under 35 U.S.C. § 102(b) Over Sorimachi et al.

Claims 1-6, 8, 10-13, 15-27 were rejected under 35 U.S.C. § 102(b) over Sorimachi et al. (US 5,508,080). Independent Claims 1, 11, 17, 21 claim the fibrous web as having a machine direction and a cross machine direction defining an MD-CD plane and that the discontinuity (16) exhibits a linear orientation and defines a longitudinal axis (L) in the MD-CD plane. Claims 24 and 27 claim the fibrous web as having a machine direction and a cross machine direction defining an MD-CD plane and that the discrete region has a linear orientation defining a longitudinal axis in the MD-CD plane.

Claims 1, 17, and Claims Dependent Thereon

Claims 1 and 17 were rejected under 35 U.S.C. § 102(b) over Sorimachi et al. (US 5,508,080). The Applicants submit that Claims 1 and 17 are patentable over Sorimachi et al., as cited in the Final Office Action, under 35 U.S.C. §102(b), for two reasons: (1) Sorimachi et al. is not an enabling disclosure of Claims 1 and 17 of the present application and (2) Sorimachi et al. does not disclose every element of Claims 1 and 17 of the present application.

The portions of Sorimachi et al. cited in the Final Office Action dated February 3, 2006, do not appear to enable Claims 1 and 17 of the present application. In Sorimachi et al., a fibrous web 22 is needle punched through a nonwoven fabric sheet 23. Sorimachi et al., Fig. 3 and Column 3, Lines 52-56. The portions of Sorimachi et al. cited in the Final Office Action do not appear to disclose that the structure of fibrous web 22 can be achieved without the nonwoven fabric sheet 23. The nonwoven fabric sheet 23 provides support of the fibers needle punched through the nonwoven fabric sheet 23. In the present application, Claims 1 and 17 are for a structure that can be achieved on a fibrous web alone which does not require a film carrier to form, maintain, or be a part of the claimed structure. Therefore, Sorimachi et al. does not enable Claims 1 and 17 of the present application.

The portions of Sorimachi et al. cited in the Final Office Action dated February 3, 2006, also do not appear to disclose every element of Claims 1 and 17 of the present

application. The portions of Sorimachi et al. cited in the Final Office Action do not appear to disclose a fibrous web having a discontinuity exhibiting a linear orientation and defining a longitudinal axis in the MD-CD plane. The fibrous web 22 of Sorimachi et al. is illustrated as being a thick batt of fibers. None of the Figures, nor the portions of Sorimachi et al. cited in the Office Action, disclose that the fibrous web 22 has a discontinuity exhibiting a linear orientation and defining a longitudinal axis in the MD-CD plane.

Based on the above reasons, the Applicants submit that Claims 1 and 17 are allowable over Sorimachi et al. The Applicants respectfully request that the rejection of Claims 1 and 17 under 35 U.S.C. § 102(b) over Sorimachi et al. be withdrawn.

Because Claims 2-6, 8, and 10 depend upon Claim 1 and Claims 18-20 depend upon Claim 17, the Applicants submit that Claims 2-6, 8, 10, and 18-20 are also allowable over Sorimachi et al. The Applicants respectfully request that the rejections of Claims 2-6, 8, 10, and 18-20 under 35 U.S.C. § 102(b) over Sorimachi et al. be withdrawn.

Claim 11 and Claims Dependent Thereon

The Applicants submit that Claim 11 is patentable over Sorimachi et al., as cited in the Final Office Action, under 35 U.S.C. §102(b) for two reasons: (1) Sorimachi et al. is not an enabling disclosure of Claim 11 of the present application and (2) Sorimachi et al. does not disclose every element of Claim 11 of the present application.

As discussed above with respect to Claim 1 and Sorimachi et al., the portions of Sorimachi et al. cited in the Final Office do not appear to enable Claim 11 of the present application. In the present application, Claim 11 is for a structure that does not require a film carrier to form, maintain, or be a part of the claimed structure. As discussed above, the nonwoven fabric sheet of Sorimachi et al. is part of the structure that enables the web to be formed as disclosed therein. Therefore, Sorimachi et al. does not enable Claim 11 of the present application.

Sorimachi et al. also does not disclose at least two elements of Claim 11 of the present application. First, as discussed above with respect to Claim 1 and Sorimachi et al., Sorimachi et al., as cited in the Final Office Action, does not appear to disclose

fibrous web having a discontinuity exhibiting a linear orientation and defining a longitudinal axis in the MD-CD plane.

Second, Sorimachi et al., as cited in the Final Office Action, does not disclose a "deformation (6) compris[ing] fibers (8, 18) integral with but extending from first region (2) and fibers (11) neither integral with nor extending from the first region." Sorimachi et al., Column 4, Lines 37-42, states that "part of the fiber of the fibrous web 22 is pushed into the nonwoven fabric sheet 23" which implies that the part of the fiber pushed into the nonwoven fabric sheet 23 is integral and extending from the fibrous web 22, which is the first sheet of the present application. (emphasis added). Thus, Sorimachi et al., as cited in the Final Office action, does not disclose fibers that are neither integral with nor extend from the first region.

For the reasons set forth above, the Applicants submit that Claim 11 is allowable over Sorimachi et al. The Applicants respectfully request that the rejection of Claim 11 be withdrawn. Because Claims 12, 13, 15, and 16 depend upon Claim 11, the Applicants submit that Claims 12, 13, 15, and 16 are also allowable over Sorimachi et al. The Applicants respectfully request that the rejections of Claims 12, 13, 15, and 16 be withdrawn.

Claim 21 and Claims Dependent Thereon

The Applicants submit that Claim 21 is patentable over Sorimachi et al. under 35 U.S.C. § 102(b) because Sorimachi et al. does not disclose every element of Claim 21. As discussed above with respect to Claims 1 and 17 and Sorimachi et al., the portions of Sorimachi et al. cited in the Final Office Action do not appear to disclose fibrous web having a discontinuity exhibiting a linear orientation and defining a longitudinal axis in the MD-CD plane.

The Applicants respectfully request that the rejection of Claim 21 under 35 U.S.C. § 102(b) be withdrawn. Because Claims 22 and 23 depends upon Claim 21, the Applicants submit that Claims 22 and 23 are also allowable over Sorimachi et al. The Applicants respectfully request that the rejection of Claims 22 and 23 under 35 U.S.C. § 102(b) be withdrawn.

Claim 24 and Claims Dependent Thereon

The Applicants submit that Claim 24 is patentable over Sorimachi et al., as cited in the Final Office Action, under 35 U.S.C. §102(b), because Sorimachi et al. does not disclose every element of Claim 24. Claim 24 of the present application claims "a plurality of discrete regions of fiber reorientation at least on said first surface, each said discrete region having a linear orientation defining a longitudinal axis in said MD-CD plane." The discrete regions (protrusions 22a) in Sorimachi et al. do not have a linear orientation defining a longitudinal axis in the MD-CD plane.

Sorimachi et al., Column 4, Lines 32-37, states that needles used to create the structure have a diameter. Therefore, the needles in Sorimachi et al. have a circular cross section orthogonal to the length of the needle. As shown in Fig. 3 and described at Column 5, Lines 58-60, of Sorimachi et al., "part of the fibrous web 22 penetrates through the nonwoven fabric sheet 23 and forms protrusions 22a thereon." Since the needles in Sorimachi et al. are circular, the protrusions 22a should have a circular cross section when viewed from the side of the structure presenting the nonwoven fabric sheet 23 to the observer. Figures 3, 4, 6, 7, 8A, and 9A-C illustrate the structure of the Sorimachi et al. in profile. The protrusions 22a of Sorimachi et al. do not have a linear orientation defining a longitudinal axis in said MD-CD plane. Rather, each protrusion 22a appears to look like a bump with each bump being symmetric in the MD-CD plane. The cross section illustrated in Fig. 3 (and other figures in Sorimachi et al.) show that each protrusion 22a has the same cross section and the protrusions are spaced apart from one another. Therefore, protrusions 22a in Sorimachi et al. do not exhibit a linear orientation defining a longitudinal axis (L) in the MD-CD plane, as claimed in Claim 24 of the present application.

For the reasons set forth above, the Applicants submit that Claim 24 is allowable over Sorimachi et al. The Applicants respectfully request that the rejection of Claim 24 under 35 U.S.C. § 102(b) be withdrawn. Because Claims 25 and 26 depend upon Claim 24, the Applicants submit that Claims 25 and 26 are also allowable over Sorimachi et al. The Applicants respectfully request that the rejections of Claims 25 and 26 under 35 U.S.C. § 102(b) be withdrawn.

Claim 27

The Applicants submit that Claim 27 is patentable over Sorimachi et al., as cited in the Final Office Action, under 35 U.S.C. § 102(b), because the portions of Sorimachi et al. cited in the Office Action do not disclose every element of Claim 27. Claim 27 relates to an absorbent article comprising a topsheet, a backsheet, and an absorbent core disposed between the topsheet and the backsheet. Sorimachi et al. discloses a flexible laminated surface material for vehicle interiors and building interiors and does not disclose a topsheet, backsheet, and an absorbent core disposed between the topsheet and the backsheet.

Furthermore, as discussed with respect to Claim 24 and Sorimachi et al., the portions of Sorimachi et al. cited in the Office Action do not disclose "a plurality of discrete regions of fiber reorientation at least on said first surface, each said discrete region having a linear orientation defining a longitudinal axis in said MD-CD plane."

For the reasons set forth above, the Applicants submit that Claim 27 is allowable over Sorimachi et al. The Applicants respectfully request that the rejection of Claim 27 under 35 U.S.C. § 102(b) be withdrawn.

Rejection Under 35 U.S.C. § 103(a) Over Sorimachi et al. in view of Kotek et al.

Claims 7 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sorimachi et al. (US 5,508,080) in view of Kotek et al. (US 6,120,718). Independent Claims 1 and 11 are amended to claim the fibrous web as having a machine direction and a cross machine direction defining an MD-CD plane and that the discontinuity (16) exhibits a linear orientation and defines a longitudinal axis (L) in the MD-CD plane. The Applicants submit that Claims 7 and 14 are patentable over Sorimachi et al. in view of Kotek et al.

Claim 7

The Applicants submit that Claim 7 is patentable over Sorimachi et al., as cited in the Final Office Action, in view of Kotek et al. because the references, when combined, fail to teach or suggest each and every element of Claim 7 of the present application. Claim 7 depends upon Claim 1. As discussed above with respect to Claim 1 and Sorimachi et al. under 35 U.S.C. 102(b), Sorimachi et al. fails to teach or suggest that the

fibrous web 22 has a discontinuity exhibiting a linear orientation and defining a longitudinal axis in the MD-CD plane. Kotek et al. also does not teach or suggest that the fibrous web 22 has a discontinuity exhibiting a linear orientation and defining a longitudinal axis in the MD-CD plane. Therefore, Sorimachi et al. in view of Kotek et al. fails to teach or suggest each and every element of Claim 7 of the present application.

The Applicants submit that Claim 7 is patentable over Sorimachi et al. in view of Kotek et al. The Applicants respectfully request that the rejection of Claim 7 under 35 U.S.C. § 103(a) be withdrawn.

Claim 14

The Applicants submit that Claim 14 is patentable over Sorimachi et al. in view of Kotek et al. because the references, when combined, fail to teach or suggest each and every element of Claim 14 of the present application. Claim 14 depends upon Claim 11. As discussed above with respect to Claim 11 and Sorimachi et al. under 35 U.S.C. § 102(b), Sorimachi et al. fails to teach or suggest that the fibrous web 22 has a discontinuity exhibiting a linear orientation and defining a longitudinal axis in the MD-CD plane. Kotek et al., as cited in the Final Office Action, also does not teach or suggest that the fibrous web 22 has a discontinuity exhibiting a linear orientation and defining a longitudinal axis in the MD-CD plane.

Furthermore, as discussed above with respect to Claim 11 and Sorimachi et al. under 35 U.S.C. § 102(b), Sorimachi et al. fails to teach or suggest a "deformation (6) compris[ing] fibers (8, 18) integral with but extending from first region (2) and fibers (11) neither integral with nor extending from the first region." Kotek et al., as cited in the Final Office Action, also does not teach or suggest fibers neither integral with nor extending from the first region.

Finally, Claim 14 depends upon Claim 12. Claim 12 is limited to particular fibers. The references, as cited in the Office Action, when combined, fail to teach or suggest the fiber materials claimed in Claim 12 of the present application.

For these reasons, the Applicants submit that Claim 14 is patentable over Sorimachi et al. in view of Kotek et al. The Applicants respectfully request that the rejection of Claim 14 under 35 U.S.C. § 103(a) be withdrawn.

Double Patenting Rejections

As stated in the Reply After 1st Office Action filed December 22, 2005, Applicants agree to submit all necessary terminal disclaimers upon indication of allowable subject matter.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 U.S.C. §§ 102 and 103. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-27 are respectfully requested.

Respectfully submitted,

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